

[Submitted by:]
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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

DEFENDERS OF WILDLIFE, et al.,)	
)	
Plaintiffs,)	Case No. 9:14-CV-246-DLC
)	
v.)	(Consolidated with Case Nos. 9:14-
)	CV-247-DLC and 9:14-CV-250-
RYAN ZINKE, in his official capacity as)	DLC)
Secretary of the Interior, et al.,)	
)	
Defendants,)	JOINT STIPULATION AND
)	MOTION CONCERNING
and)	PLAINTIFFS' CLAIM FOR FEES
)	AND COSTS
IDAHO FARM BUREAU)	
FEDERATION, et al.,)	
)	
Defendant-Intervenors.)	
)	

This Stipulation is entered into by and between Plaintiffs Center for
Biological Diversity, et al., and Federal Defendants Ryan Zinke, Secretary of the

Interior, et al., concerning Plaintiffs' claim for fees and costs in Case No. 9:14-CV-247-DLC. Plaintiffs and Federal Defendants hereby agree and stipulate as follows:

Whereas, Plaintiffs' lawsuit challenged Federal Defendants' issuance of an August 2014 decision withdrawing a proposed rule to list the lower-48 distinct population segment of the North American wolverine as a threatened species under the Endangered Species Act;

Whereas, the Court entered a judgment on April 4, 2016, granting Plaintiffs' motion for summary judgment in part and denying the motion in part and vacating and remanding the challenged agency decision;

Whereas, Plaintiffs filed a motion for an award of attorneys' fees and costs on November 4, 2016; and

Whereas, the parties have reached a settlement agreement regarding Plaintiff's claim for attorneys' fees and costs in this matter;

Now, therefore, it is stipulated by and between Plaintiffs and Federal Defendants as follows:

1. Plaintiffs are entitled to an award of attorneys' fees and costs under the Endangered Species Act, 16 U.S.C. § 1540(g). Federal Defendants shall pay Plaintiffs a total of \$176,000 for attorneys' fees, costs, and other litigation expenses for this lawsuit.

2. Plaintiffs shall provide Federal Defendants with the information necessary to effectuate the payment required by Paragraph 1 of this Stipulation within ten (10) business days after the Court enters an order approving this Stipulation. Federal Defendants agree to submit all necessary paperwork for the processing of this payment to the Department of the Treasury's Judgment Fund Office within ten (10) business days after receiving such information from Plaintiffs.

3. Plaintiffs agree to accept Federal Defendants' payment of \$176,000 in full satisfaction of any and all claims for attorneys' fees and costs of litigation incurred in this matter. Plaintiffs agree that receipt of this payment from Federal Defendants shall operate as a release of Plaintiffs' claims for attorneys' fees and costs in this matter and therefore withdraw their pending motion for an award of attorneys' fees and costs upon the Court's approval of this stipulation.

4. Plaintiffs reserve the right to seek additional fees and costs incurred subsequent to this Stipulation in any future litigation arising from or relating to the present action. Federal Defendants reserve the right to contest fees claimed by Plaintiffs or Plaintiffs' counsel in any such litigation, including hourly rates and the number of hours billed. Further, this Stipulation as to attorneys' fees and costs has no precedential value and shall not be used as evidence in any other attorneys' fee litigation.

5. Nothing in this Stipulation shall be interpreted as, or shall constitute, a requirement that Federal Defendants are obligated to pay any funds exceeding those available, or take any action in contravention of the Anti-Deficiency Act, 31 U.S.C. § 1341, or any other appropriations law.

6. This Stipulation shall be binding on the parties and their successors, agents, designees, employees, and all those acting by and through their authority.

7. The parties agree that this Stipulation was negotiated in good faith and that this Stipulation constitutes a resolution of claims that were denied and disputed by the parties.

8. The undersigned representatives of each party certify that they are fully authorized by the parties they represent to agree to the terms and conditions of this Stipulation and do hereby agree to the terms herein. None of the provisions or obligations of this Stipulation shall become binding and effective unless and until the Court enters an order approving this Stipulation. The effective date of the agreements set forth in this Stipulation shall be the date when the Court enters that order.

9. The parties hereby jointly and respectfully request that the Court review and approve the terms of this Stipulation, and retain jurisdiction to enforce its terms. See Kokkonen v. Guardian Life Ins. Co. of Am., 511 U.S. 375 (1994).

Pursuant to Local Civil Rule 7.1(c)(3), a proposed order accompanies this joint motion.

Respectfully submitted this 5th day of May, 2017.

/s/ Timothy J. Preso

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was today served via the Court's CM/ECF system on all counsel of record.

/s/ Timothy J. Preso
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